



Date: February 18, 2014

To: Thomas J. Bonfield, City Manager
Through: Patrick Baker, City Attorney
From: Richard Weintraub, Senior Assistant City Attorney
Subject: Further revisions to the sales and solicitations ordinance and to the unwanted contact with motor vehicles ordinance

Executive Summary

Requests were made at the Work Session to clarify the proposed changes to City Code section 54-84(b) and to make the “unwanted contact” ordinance apply to convertibles and other motor vehicles without roofs, in addition to roofed motor vehicles. The attached ordinances make the requested changes.

This memo should be read in conjunction with the City Manager’s memo dated February 6, 2014.

Recommendation

If the City Council desires to adopt ordinances with the changes indicated by this memo, it can adopt the two proposed ordinances by these motions:

To adopt the ORDINANCE TO MODIFY RESTRICTIONS ON SALES AND SOLICITATIONS IN THE STREET RIGHT-OF-WAY (blacklined version)

To adopt the ORDINANCE TO RESTRICT UNWANTED CONTACT WITH AND INTRUSION INTO OCCUPIED MOTOR VEHICLES ON ROADWAYS

Issues and Analysis

RE: ORDINANCE TO MODIFY RESTRICTIONS ON SALES AND SOLICITATIONS IN THE STREET RIGHT-OF-WAY

Section 54-84(b) was not clear enough regarding which travel lanes may be approached by a solicitor. Accordingly, I have revised subsections 54-84(b)(1)(i), 54-84(b)(2)(i), and 54-84(b)(3)(i), and added a final sentence to 54-84(b). The revised version is attached.

The revised version also deletes the definition of “Durham Civic Center,” because it is no longer mentioned in the ordinance.

The revised ordinance is presented in two attachments. One of them is blacklined, to show changes to the existing City Code. The changes made since the previous version are in red. The other has the same content but is a clean version (with the blacklined changes incorporated).

The blacklined version is the version to formally adopt, because its markings will facilitate merging it into the existing City Code.

RE: ORDINANCE TO RESTRICT UNWANTED CONTACT WITH AND INTRUSION
INTO OCCUPIED MOTOR VEHICLES ON ROADWAYS

In the version presented previously, the definition of “enclosed vehicle” was

Enclosed vehicle means a motor vehicle with a roof that is
in place, excluding every vehicle designed to run upon the streets
that is pulled by a self-propelled vehicle.

[Underlining added.]

The revised version, which is attached, omits the underlined phrase. With this change, the ordinance applies to roofless vehicles and convertibles with the top down.

In addition, the revised version contains several non-substantive changes that clarify the ordinance; the revised version refers to motor vehicles instead of vehicles where appropriate and adds a cross reference to the definition of motor vehicle.

Alternatives

None identified

Financial Impacts

None

SDBE Summary

Not applicable

Attachments

ORDINANCE TO MODIFY RESTRICTIONS ON SALES AND SOLICITATIONS IN THE
STREET RIGHT-OF-WAY (marked up) – for adoption

ORDINANCE TO MODIFY RESTRICTIONS ON SALES AND SOLICITATIONS IN THE
STREET RIGHT-OF-WAY (clean) – for information purposes, not to be adopted

ORDINANCE TO RESTRICT UNWANTED CONTACT WITH AND INTRUSION INTO
OCCUPIED MOTOR VEHICLES ON ROADWAYS – for adoption